

REMARKS

Applicant thanks the Examiner for carefully considering this application and for the courtesy extended during the telephonic interview on February 3, 2004. Please reconsider the application in view of the above amendments and the following remarks.

I. Status of Claims

Claims 1-40 are pending in this application. Claims 1, 15, 21, and 28 are independent. The remaining claims depend, directly or indirectly, from claims 1, 15, 21, and 28.

II. Telephonic Interview

The Applicant's representative discussed the § 103 rejection of claim 1 with the Examiner. The Examiner expressed concern that the claims were not properly limited to hydrocarbon-producing portfolios. The claims have been amended to clarify this limitation based on the discussion with the Examiner. Applicant believes that the amended claims are now allowable.

III. Amendments to the Claims

Claims 1-3, 6, 8, 10-12, 15, 21, 25, 28, 30, 35, and 38-40 have been amended in this reply. Data are now referred to as "hydrocarbon-producing portfolio" data to clarify the scope of the invention. Claims using "adapted to" have been changed to clearly limit the invention as intended. In claims referring to "each of" the applications, "each" has been replaced with "at least one" so that it is clear that the invention does not require every application perform all of the tasks. The amendments to the claims in this reply do not constitute new matter because they only clarify the language of previously presented claims.

IV. Rejection(s) under 35 U.S.C § 103

REJECTION OF CLAIMS 1-7 AND 15-27- CWENAR IN VIEW OF ARMITAGE

Claims 1-7 and 15-27 were rejected under 35 U.S.C. § 103 as obvious over U.S. Patent No. 5,893,079 issued to Cwenar in view of U.S. Patent No. 5,475,589 issued to Armitage. Claims 1-3, 6, 15, 21, and 25 have been amended in this reply to clarify the present invention. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

The Cwenar reference is non-analogous art, and thus may not be combined with Armitage. In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must be either in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the invention was concerned." See MPEP § 2141.01(a).

The present invention relates to sharing data between a plurality of different programs used by each of the team members. The team members are involved in managing hydrocarbon-producing portfolio data, but each member may have a different role and, thus, may use a different program to generate hydrocarbon-producing portfolio data. In contrast, Cwenar compiles and serves similar investment data from outside sources to users through a single user interface. Investment data and hydrocarbon-producing portfolio data are not related. Thus, Cwenar fails the first part of the test for being in a separate field from the present invention.

Additionally, one of ordinary skill in the art would not look to Cwenar to solve the problems addressed by the present invention. The present invention provides a method for solving problems unique to managing data compiled by multiple users using a

variety of different programs. The claimed method allows related data to be shared between each of the users despite the data having been generated from a variety of programs. Cwenar does not address a similar problem. One of ordinary skill in the art would not look to an invention concerned with investment data, all of which is similar, to provide a solution to managing dissimilar data from a variety of programs. Therefore, the Cwenar reference may not properly be combined with the Armitage under 35 U.S.C. § 103.

Furthermore, even assuming *arguendo* that Cwenar is analogous art, the combination is still improper because there is no motivation for one of ordinary skill in the art to combine Cwenar with Armitage. As stated above, the present invention relates to sharing data between a plurality of different programs used by each of the team members. In contrast, Cwenar is directed to compiling and disseminating financial investment information. Further, Armitage is directed to evaluating the risk of drilling holes lacking hydrocarbons (dry wells). Neither of these two references show nor suggest that they could potentially be applied to the subject matter of the present invention. Therefore, there would have been no motivation for one of ordinary skill in the art to combine the cited references as proposed by the Examiner.

Further, assuming *arguendo* that motivation to combine Cwenar with Armitage could be found, the combination still fails to show or suggest the present invention as claimed. The present invention defined in amended claim 1 recites “a data repository storing related hydrocarbon-producing portfolio data tied to a key parameter field.” Claim 1 further recites “at least one application server to provide a *plurality of different applications* to a plurality of users.” Each of the different applications generates “at least

some related hydrocarbon-producing portfolio data having the key parameter field, wherein the data repository can be updated with the related hydrocarbon-producing portfolio data generated by each of the plurality of different applications.” These limitations are neither shown nor suggested by Cwenar and Armitage.

Cwenar discloses a system for managing investment data compiled from various non-user outside data sources (column 3, line 65 to column 4 line 3). At no point does Cwenar show or suggest that it may include a hydrocarbon-producing portfolio. Cwenar is silent on any data outside of investment data. The concept of the invention in Cwenar is to compile and analyze data related to investments. Because this is the sole purpose of the system disclosed by Cwenar, the Applicant notes that all of the data are closely related in Cwenar.

Further, Cwenar does not show or suggest providing “a plurality of applications to a plurality of users.” The Examiner asserts that this is disclosed in column 6 on line 39 in Cwenar. The Applicant respectfully disagrees. The section noted by the Examiner is discussing an option for an external user interface (column 6, line 22-28), which includes the PVCS tool. The PVCS tool acts as a “librarian” to keep users from altering the source data while another user has it checked out. This prevents loss of work caused by users saving over each other. When Cwenar says “applications,” it is referring to multiple users developing programs in concert without destroying each other’s work.

To explain the PVCS concept further, consider two programmers writing a widget program. Programmer 1 might check out the widget program file from the PVCS tool interface to make changes to the design. Programmer 2 might attempt to make changes

to the file at the same time. The PVCS tool interface prevents Programmer 2 from saving over the work of Programmer 1.

The single "external user interface" provided by Cwenar does not show or suggest the element of claim 1 providing "at least one application server to provide a plurality of applications to a plurality of users." As discussed in the specification, the "plurality of programs" may vary between users. The present invention, therefore, advantageously provides the ability for a large number of users, having differing disciplines, to deal with information important to their respective discipline in an integrated manner. Cwenar simply does not provide this.

Armitage does not provide that which Cwenar lacks, whether considered separately or in combination. Armitage discloses a method to analyze seismic data for the purpose of reducing the risk of drilling a well that is unable to produce hydrocarbons. The invention in Armitage provides an example of a single program that could potentially be communicated with by the application server of the present invention. Armitage does not, however, show or suggest any element of claim 1 besides showing that a computer program can be used for hydrocarbon production.

In view of the above, Cwenar and Armitage fail to show or suggest the present invention as recited in amended claim 1. Independent claims 15 and 21 include the same limitations discussed with respect to claim 1. Thus, claims 1, 15, and 21 are patentable over Cwenar and Armitage. The dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

REJECTION OF CLAIMS 8-11- CWENAR IN VIEW OF ARMITAGE AND DEMBO

Claims 8-11 were rejected under 35 U.S.C. § 103 as obvious over Cwenar in view of Armitage, and further in view of U.S. Patent No. 5,148,365 issued to Dembo. Claims 8, 10, and 11 have been amended in this reply to clarify the present invention. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

As discussed above, Cwenar is non-analogous art and is, therefore, not properly combinable with Armitage and Dembo. Additionally, Dembo is non-analogous art. The Dembo reference is neither in the field of the Applicant's endeavor nor reasonably pertinent to the problem with which the Applicant is concerned. Dembo provides a mathematical model to optimize scenarios with changing probabilities. The special mathematics in Dembo are not in the same field as the present invention. Additionally, one of ordinary skill in the art would not look to the mathematics taught in Dembo for a solution to the problems addressed by the present invention. Therefore, the Dembo reference may not properly be combined with the Cwenar and Armitage under 35 U.S.C. § 103.

Assuming *arguendo* that Dembo and Cwenar are analogous art, there would have been motivation for one of ordinary skill in the art to combine Dembo with Cwenar and Armitage. As described with respect to claim 1, Cwenar and Dembo lack motivation to combine. Dembo is directed to optimally allocating resources through the use of a mathematical model having parameters of uncertain values. Dembo does not show or suggest to one of ordinary skill in the art that it could potentially be applied to the subject

matter of the present invention. Therefore, there would have been no motivation to combine the cited references as proposed by the Examiner.

Further, assuming *arguendo* that the motivation to combine the references could be found, the combination of Cwenar, Armitage, and Dembo still fails to show or suggest the present invention as claimed. As described above with respect to independent claim 1, Cwenar and Armitage fail to show or suggest the present invention as claimed. Further, Dembo fails to provide that which Cwenar and Armitage lack with respect to the present invention, whether considered separately or in combination. Dembo discloses a mathematical model to optimize scenarios with changing probabilities. Dembo does not disclose any of the elements present in claim 1. Thus, claims 8-11, which depend from claim 1, are patentable over Cwenar in view of Armitage and Dembo. Accordingly, withdrawal of this rejection is respectfully requested.

REJECTION OF CLAIM 12- CWENAR IN VIEW OF ARMITAGE AND O'SHAUGHNESSY

Claim 12 was rejected under 35 U.S.C. § 103 as obvious over Cwenar in view of Armitage, and further in view of U.S. Patent No. 6,484,151 B1 issued to O'Shaughnessy. To the extent that this rejection may still apply to the amended claim, the rejection is respectfully traversed.

As discussed above, Cwenar is non-analogous art and is, therefore, not properly combinable with Armitage and O'Shaughnessy. Additionally, O'Shaughnessy is non-analogous art. The O'Shaughnessy reference is neither in the field of the Applicant's endeavor nor reasonably pertinent to the problem with which the Applicant is concerned. O'Shaughnessy provides a system and method for selecting and purchasing stocks. Selecting and purchasing stocks is not in the same field of endeavor as the present

invention. Additionally, one of ordinary skill in the art of managing hydrocarbon producing assets would not look to the stock trading programmed disclosed in O'Shaughnessy for a solution to the problems addressed by the present invention. Therefore, O'Shaughnessy may not properly be combined with Armitage and Cwenar under 35 U.S.C. § 103.

Further, assuming *arguendo* that Cwenar and O'Shaughnessy are analogous art, there would have been no motivation for one of ordinary skill in the art to combine O'Shaughnessy with Cwenar and Armitage. O'Shaughnessy does not show or suggest to one of ordinary skill in the art that it could potentially be applied to the subject matter of the present invention. Therefore, there would have been no motivation to combine the cited references as proposed by the Examiner.

Further, assuming *arguendo* that motivation to combine the references could be found, the combinations still fails to show or suggest the present invention. As described above with respect to independent claim 1, Cwenar and Armitage fail to show or suggest the present invention as claimed. Further, O'Shaughnessy fails to provide that which Cwenar and Armitage lack with respect to the present invention, whether considered separately or in combination. O'Shaughnessy discloses a system intended to aid in selecting and purchasing stocks for investment. O'Shaughnessy does not disclose any of the elements present in claim 1. Thus, claim 12, which depends from claim 1, is patentable over Cwenar in view of Armitage and O'Shaughnessy. Accordingly, withdrawal of this rejection is respectfully requested.

REJECTION OF CLAIMS 13 AND 14- CWENAR IN VIEW OF ARMITAGE AND LU

Claims 13 and 14 were rejected under 35 U.S.C. § 103 as obvious over Cwenar in view of Armitage, and further in view of U.S. Patent No. 6,373,489 B1 issued to Lu *et al.* This rejection is respectfully traversed.

As described above with respect to independent claim 1, Cwenar and Armitage may not properly be combined, and even when combined, fail to show or suggest the present invention as claimed. Further, Lu fails to provide that which Cwenar and Armitage lack with respect to the present invention, whether considered separately or in combination. Lu discloses a computer system for visualizing geological data in a geoscience model. Lu does not disclose any of the elements present in claim 1. Thus, claims 13-14, which depends from claim 1, are patentable over Cwenar in view of Armitage and Lu. Accordingly, withdrawal of this rejection is respectfully requested.

REJECTION OF CLAIMS 28-40- LU IN VIEW OF ARMITAGE

Claims 28-40 were rejected under 35 U.S.C. § 103 as obvious over Lu in view of Armitage. Claims 28, 30, 35, and 38-40 have been amended in this reply to clarify the present invention. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

Of claims 28-40, claim 28 is independent. Claims 29-40 depend either directly or indirectly from claim 28. Claim 28 recites a method for managing a hydrocarbon-producing portfolio. The method comprises a plurality of asset members with varying roles using a variety of different applications corresponding to their respective roles. The possible asset team members include a geoscientist, a landman, a reservoir engineer, a regulatory compliance administrator, a right-of-way administrator, a drilling engineer, a

completion engineer, a finance analyst, a field operator, a sales and marketing representative, and a portfolio manager. The corresponding data from any given application used by the various asset team members can be automatically updated and can be used by the other applications.

In contrast, Lu discloses a method for building and visualizing geometry models. The visualization is meant to be particularly suited for modeling in the geosciences. The Examiner asserts that Lu discloses a plurality of asset team members comprising geologists, geophysicists, and petroleum engineers (col. 1, lines 14-21). The Applicant respectfully disagrees. The cited text is merely claiming that the visualization method of the invention would have value to geologists, geophysicists, and petroleum engineers. Lu is silent on those people being team members in any form. Additionally, Lu does not mention team members outside of the geosciences such as a regulatory compliance administrator, a right-of-way administrator, a finance analyst, or a sales and marketing representative.

Further, Lu is silent on there being separate applications employed by team members with various roles. Lu only discloses a single visualization tool that may be useful for those in the geosciences. Further, Lu is silent on any data corresponding to other applications being generated. Instead, Lu only speaks of the single visualization model generated by the method disclosed in Lu.

Armitage fails to provide that which Lu lacks with respect to the present invention as claimed, whether considered separately or in combination. Thus, claim 28 is patentable over Lu and Armitage. Claims 29-40, which depend on claim 28, are


allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

V. Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 06558/007002).

Respectfully submitted,

Date: 2/19/04

 #45,079
Jonathan P. Osha, Reg. No. 33,986
Rosenthal & Osha L.L.P.
1221 McKinney Street, Suite 2800
Houston, TX 77010
Telephone: (713) 228-8600
Facsimile: (713) 228-8778

60754_1.DOC